

1 RENE L. VALLADARES
Federal Public Defender
2 State Bar No. 11479
KATHRYN C. NEWMAN
3 Assistant Federal Public Defender
Nevada State Bar No. 13733
4 411 E. Bonneville, Ste. 250
Las Vegas, Nevada 89101
5 (702) 388-6577/Phone
(702) 388-6261/Fax
6 Kathryn_Newman@fd.org

7 Attorney for Dwayne Martin

8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 DWAYNE MARTIN,

15 Defendant.

Case No. 2:18-cr-00029-JCM-VCF

STIPULATION TO CONTINUE
SENTENCING HEARING
(Second Request)

16
17 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.
18 Trutanich, United States Attorney, and Peter Walkingshaw, Assistant United States Attorney,
19 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,
20 and Kathryn C. Newman, Assistant Federal Public Defender, counsel for Dwayne Martin, that
21 the Sentencing Hearing currently scheduled on January 29, 2021, be vacated and continued to
22 a date and time convenient to the Court, but no sooner than April 1, 2021.

23 This Stipulation is entered into for the following reasons:

24 1. Mr. Martin is requesting the continuance of his sentencing to avoid unnecessary
25 shuffling between facilities, extended quarantines, and other COVID-risk exposures associated
26 with transportation between locations. The additional time in US Marshal custody will allow

1 him to receive additional treatment and continuity of care that might be lost if he is shuffled
2 between the federal and state system.

3 2. Mr. Martin is currently in the U.S. Marshals' custody on a *writ*. ECF No. 8. His
4 state court sentence is set to expire in late March 2021. If the sentencing proceeds as scheduled
5 next week, Mr. Martin will begin a two-week quarantine at Nevada Southern Detention Center
6 and then be transported to the Nevada Department of Corrections. Following his sentencing
7 completion in the next 6 weeks, he will then be transported back to the Nevada Southern
8 Detention Center and quarantined pending designation and transportation to the U.S. Bureau of
9 Prisons. During this time, Mr. Martin's medication and medical treatments are likely to be
10 inconsistent or interrupted.

11 3. If the Court grants his request for a continuance of the sentencing date to allow
12 his state custody to expire, Mr. Martin will not be shuffled between facilities during the next
13 two months, risking unnecessary exposure to COVID, and possibly interrupting his medical
14 treatment and medication.

15 4. As the Court knows, Mr. Martin has serious medical issues, including rational
16 deformity of the spine, kyphosis of the cervical region and degenerative disk disease. PSR ¶ 71.
17 As a result, he walks with a cane, requires additional accommodations, and reports that he is in
18 constant pain. At this time, he is being evaluated for a significant back and neck surgery and is
19 seeing doctors to develop a treatment plan. Allowing Mr. Martin to delay his sentencing until
20 the first week of April will also assist in his treatment and the development of a long-term
21 treatment recommendation should he serve a significant sentence with the Bureau of Prisons.

22 5. The defendant is in custody and agrees with the need for the continuance.

23 6. The parties agree to the continuance.

24
25 ///

26 ///

1 This is the second request for a continuance of the sentencing hearing.

2 DATED this 20th day of January, 2021.

3
4 RENE L. VALLADARES
Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

5
6 */s/ Kathryn C. Newman*
By _____

7 KATHRYN C. NEWMAN
Assistant Federal Public Defender

/s/ Peter Walkingshaw
By _____

PETER WALKINGSHAW
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 DWAYNE MARTIN,

7 Defendant.
8

Case No. 2:18-cr-00029-JCM-VCF

ORDER

9
10 IT IS THEREFORE ORDERED that the sentencing hearing currently scheduled for
11 Friday, January 29, 2021 at 10:00 a.m., be vacated and continued to April 9, 2021 at the
12 hour of 10:00 a.m.

13 DATED January 22, 2021.

14
15 
16 _____
UNITED STATES DISTRICT JUDGE
17
18
19
20
21
22
23
24
25
26